

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

GLENARD C. THORNE,

Plaintiff,

v.

SOUTH CENTRAL CORRECTIONAL
FACILITY, et al.,

Defendants.

No. 1-14-0001

Senior Judge Haynes

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation (Docket Entry No. 58) to grant Defendants Michael Parrish's and Daniel Pritchard's motion for summary judgment (Docket Entry No. 37). Plaintiff did not file an objection within 14 days after being served with a copy of the Report and Recommendation pursuant to Fed. R. Civ. P. 72(b)(2). See Docket Entry No. 60. Plaintiff later filed a motion for certificate of appealability (Docket Entry No. 61), along with a notice of appeal (Docket Entry No. 62) and a motion for leave to appeal *in forma pauperis* (Docket Entry No. 63). The Court denied Plaintiff's motion for certificate of appealability (Docket Entry No. 61) and motion for leave to appeal *in forma pauperis* (Docket Entry No. 63) as premature. (Docket Entry No. 64). The Court construes Plaintiff's notice of appeal and motion for certificate of appealability as objections to the Report and Recommendation.

Plaintiff, Glenard C. Thorne, an inmate at South Central Correctional Facility ("SCCF") in Clifton, Tennessee,¹ filed this pro se action under 42 U.S.C. § 1983 against Defendants: SCCF Unit Manager Michael Parrish, SCCF Warden Daniel Pritchard, and SCCF correctional officers Brenda

¹SCCF is owned and operated by Corrections Corporation of America ("CCA"). (Docket Entry No. 22, Answer at ¶ 2).

Pevahouse and Hank Inman, in their individual and official capacities, and SCCF.² Plaintiff's claims arise out of his confinement at SCCF, where Plaintiff alleges that the Defendants violated his Eighth Amendment rights by denying him adequate medical care and failing to protect him from the risk of attack by other inmates. The Court previously dismissed Plaintiff's claims against Defendants Pevahouse and Inman for failure to state a claim. (Docket Entry No. 26).

Upon review of Plaintiff's objections, the Court adopts the Magistrate Judge's conclusion that Plaintiff did not properly exhaust his administrative remedies on his claim for denial of medical care as required under 42 U.S.C. § 1997e(a) and that he failed to submit any evidence that he was denied adequate medical care after the alleged incident. (Docket Entry No. 58 at 6-8).

As to Plaintiff's claim for failure to protect him from risk of attack from other inmates, the Magistrate Judge concluded that Plaintiff failed to present any evidence that he exhausted this claim. In his objection, Plaintiff now presents a grievance form that only addressed his claim for failure to protect. (Docket Entry No. 61 at 4-7). On August 5, 2013, in a form entitled "inappropriate grievance notification," Plaintiff's grievance was returned as the grievance was unable to be processed because "all copies must be legible and in tact" and "no incompatibles at SCCF." *Id.* at 10.

Yet, the Magistrate Judge also concluded that Plaintiff did not present any evidence that Plaintiff was involved in an altercation with inmate Hardy or that Hardy actually presented a risk of harm to him; that Plaintiff did not present any evidence rebutting Defendants' evidence that inmate Sandifer was not listed as an incompatible inmate to Plaintiff in 2013; and that Plaintiff failed to show that either Parrish or Pritchard had any personal involvement in the alleged unconstitutional

²A review of the record reflects that Plaintiff did not serve SCCF.

conduct or had any knowledge that inmate Sandifer posed a substantial risk of serious harm to Plaintiff. Having reviewed the entire record, the Court adopts these conclusions of the Magistrate Judge.

In sum, after de novo review, the Report and Recommendation is **ADOPTED** and Defendants' motion to dismiss (Docket Entry No. 23) is **GRANTED**.

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 20th day of April, 2015.

A handwritten signature in black ink, appearing to read "William J. Haynes, Jr.", is written over a horizontal line.

WILLIAM J. HAYNES, JR.
Senior United States District Judge